

Kosovo – the question of final status

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The Rambouillet conference held in February-March 1999 and the establishment of an international protectorate in June 1999 were breakthroughs in the most recent history of Kosovo, the former autonomous province of Serbia. These two events opened the debate on Kosovo's final status. If it were regulated, one of Europe's most difficult problems would be solved.

Historical background of the problem

Kosovo is home to one third of the 6.3 million-strong Albanian nation. Its population accounts for 70 percent of Albanians living outside Albania. Albanians presently account for over 90 percent of the region's population. If we include non-Albanian (mostly Serbian) refugees who live outside Kosovo but retain their voting rights, this percentage is slightly lower: approx. 83 percent¹. Albania's borders with Kosovo, Montenegro and Macedonia are located in areas predominantly inhabited by Albanians. Most of the remaining 30 percent of Albanians living outside Albania inhabit areas in the close vicinity of Kosovo, such as North Macedonia and the Preseva Valley. In the neighbouring countries, Albanians form large minorities (e.g. they account for approx. 25 percent of Macedonia's population). Kosovo has played an immensely important role in the history of Serbia. At the time of Serbia's greatest power, it was the centre of state and church authority. It was also the scene of the battle of Kosovo Polje in 1389, the leitmotiv of Serbian national mythology. Enormously important to Serbia's national identity², Kosovo became the object of a long and fierce Serbian-Albanian conflict, which further exacerbated after World War II owing to higher birth rates among the Albanians and the increased emigration of Serbs from Kosovo.

It is extremely difficult to solve the Serbian-Albanian conflict because the interests of the two sides differ radically. Since the 19th century, the two nations have been aspiring to form Great Albania and Great Serbia, i.e. states uniting all Albanians and all Serbs respectively. After Kosovo was incorporated into Serbia, Albanians began armed attempts to unite it with Albania. Before

1945, Belgrade refused to recognise the Albanian national minority. Kosovo's autonomy was imposed on the Serbs following World War II against their will by Yugoslav communists. It was expanded considerably in 1968–1974. Under the 1974 constitution introduced by Marshal Josip Broz Tito, Kosovo remained an autonomous region within Serbia, but it was granted a broad autonomy (the status of a federal unit³). At the same time, Albanians as a nationality (a national minority) were recognised as equal to the other Yugoslav nations. However, unlike the republics of Yugoslavia, Kosovo and the other Serbian autonomous province – Voivodina had no right to secession. In terms of practical policy, Kosovo's position within the federal system was weaker also than that of the republics. The Albanians' most popular idea was to demand the status of a nation equal to "the republican nations" and to transform Kosovo into a republic⁴. Serbs, on the other hand, generally opposed the status granted to Kosovo under the 1974 constitution, seeing it as the first step towards the province's secession⁵.

The 1974 constitution dissatisfied both Albanians and Serbs, which led to the outbreak of ethnic conflict in the 1980s (following Tito's death). As a result, Slobodan Milosevic came to power in Belgrade and Kosovo's autonomy was significantly restricted (1989/1990). The break-up of Yugoslavia in 1991 inclined Albanians to give up seeking solutions while remaining within Yugoslavia, in favour of aspirations for independence. For a short time, it breathed new life into the idea of a Great Albania⁶. Even though many Albanians considered it to be an ideal solution, this concept never became very popular due to firm objection on the part of the West. This is why, following the declaration of Kosovo's independence in October 1991, Albanians represented the declaration of independence as a compromise between the Great Albania idea and the province's continued existence within Serbia⁷.

The West refused to recognise Kosovo's declaration of independence. It was believed that the optimum solution was to restore the pre-1989 situation or, in the maximum variant, to transform Kosovo into a third republic within Yugoslavia. Faced with this attitude, Ibrahim Rugova's Democratic League of Kosovo (LDK), the dominant party on Kosovo's political scene in

1989–1998, at times sought compromise with Belgrade, agreeing to abandon aspirations for the province's independence⁸. These efforts were futile, though, because Milosevic and a large majority of Serbs rejected the option to restore the pre-1989 situation⁹.

The Serb opposition came up with two plans:

1. to divide Kosovo into two sections; a Serbian and an Albanian and, in the case of any border changes in the Balkans, to annex the former directly to Serbia,
2. the cantonisation of Kosovo¹⁰. These solutions were unacceptable to Albanians because of Kosovo's ethnic map (the areas with Serbian majorities were largely dispersed and island-like). The failure of Rugova's policy led to the formation of an armed alternative, the Kosovo Liberation Army (UCK), which started a guerrilla war at the end of 1997. Initially, UCK backed the Great Albania idea, but soon limited it to the independence of Kosovo.

As the rebellion broke out, the West became involved with Kosovo for the first time – a development that could not have been attained using peaceful means. In 1998, US mediators put forward a number of peace plans for Kosovo, all of which suggested that its autonomy should be considerably extended. These plans ranged from the restoration of the 1974–1989 status of the region to the factual transformation of Kosovo into a third republic. However, both Belgrade and UCK rejected the plans. A breakthrough in the history of the Serbian-Albanian clash over Kosovo came with the Rambouillet conference in February–March 1999. The Albanians skilfully used the uncompromising, anti-West policy of Yugoslav President Slobodan Milosevic, winning the West's approval for discussions about independence for the first time. The final document of the conference included a provision that the final status of Kosovo would be determined in three years' time. This way, it did not explicitly preclude any solution. Kosovo's final status was to be determined by an international conference based on "the will of the people", the opinions of "authoritative experts" and provisions of the Helsinki Final Act (which permits border changes exclusively with the consent of both interested parties). For UCK, accepting the Rambouillet decisions meant a silent consent to the possibility that they might have to give up their inde-

pendence aspirations. The Serbian side rejected the Rambouillet agreement¹¹ and started a new offensive in Kosovo, the aim of which was to cleanse parts of the province of Albanians. This was probably done with a perspective to subsequently divide Kosovo, and ultimately it caused NATO's bombing of Yugoslavia. In response, Milosevic initiated ethnic cleansing on a huge scale¹², accompanied by massacres of civilians. After two and a half months of bombings, Belgrade agreed to withdraw troops from Kosovo and transform the province into a protectorate. Under Resolution 1244, passed by the UN Security Council on 10 June 1999, Kosovo became an international protectorate while *de iure* remaining an integral part of Yugoslavia until the final decision on its status is taken. Resolution 1244 did not state exactly when such decision should be taken, unlike the Rambouillet final document, which established a three-year transition period. Compared to the Rambouillet decisions, the provisions of Resolution 1244 on Kosovo's final status were less rigorous and allowed ample room for interpretation. The resolution provided that, when taking the final decision, the international community would "take into account" the conclusions of the Rambouillet conference. Meanwhile, the Security Council was to extend the protectorate every 12 months until the final status of Kosovo were determined. Resolution 1244 placed more emphasis on the preservation of Yugoslavia's territorial integrity¹³. However, unlike the Rambouillet document, it minimised Belgrade's influence on the situation in Kosovo (e.g. the absence of Serb police forces and Yugoslav troops).

Development of autonomous institutions

Under Resolution 1244, the United Nations obliged itself to establish institutions for the Kosovo protectorate and gradually transfer authority to the locals. In theory, Resolution 1244 obliged the international community to implement the detailed decisions of the Rambouillet conference, which precisely defined the protectorate's government system. In reality, however, the system developed after 1999 differed substantially from

that projected by the Rambouillet final document. Shortly after KFOR entered Kosovo, the international community created a local administration under its control and, in July 1999, established the Kosovo Transitional Council (KTC), which played an exclusively advisory role. An important concession made by the United Nations to Albanians was the consent to transform the Kosovo Liberation Army (UCK) into the Kosovo Protection Corps (KPC/TMK), a kind of civil guard, which the Albanians treated as a back-bone of their future army. The formation of KPC/TMK had not been envisaged either in the Rambouillet conference document or in Resolution 1244. The Disarmament of the UCK, which was one of the conditions of Resolution 1244, was implemented only in part, because not all weapons were delivered to the KFOR.

In December 1999, the international civil administration mission in Kosovo (UNMIK) signed an agreement with Albanian parties considerably expanding the composition of the KTC and establishing the Interim Administrative Council (IAC), a quasi government subordinated to UNMIK. In November 2000, self-governmental elections were held. In May 2001, following consultations with Albanians and Serbs, UNMIK adopted the Constitutional Framework, which came into force as of the date parliamentary elections were held in November 2001. This new law established the president's office and a government whose competencies included the economy (including foreign trade¹⁴), health care, infrastructure, public administration and education. The UNMIK chief was supposed to gradually transfer most of his competencies in the economic sphere to local authorities. This process commenced in early April 2003 and was immediately criticised by the Serbs as being premature. The Albanians, on the other hand, were dissatisfied with the absence of a guarantee that the other competencies reserved for the head of UNMIK would be transferred as well.

UNMIK retained control over foreign policy, border protection, security structures, and the return process of non-Albanian refugees. It also retained the right to veto all major decisions of the parliament and government. This way, it could prevent a unilateral declaration of independence by the parliament. The Constitutional Framework obligated the UNMIK chief to co-operate

with local authorities in the scope of foreign policy and border control¹⁵. As regards the administration of justice, the UNMIK chief retained full control over international judges and the appointments and dismissals of local judges and prosecutors. The competencies of the local authorities included nominations of candidates for judges and the administrative aspect of the operation of courts and prosecutors' offices. In April 2002, UNMIK decided to gradually increase the number of local judges, expand their powers and reduce the roles of international judges to an auxiliary role.

This gradual transfer of competencies was part of the international community's strategy known as "Standards Before Status". Under this strategy, discussions on the final status of Kosovo may only commence once certain conditions have been met. The "Standards Before Status" strategy was formulated in April 2002 by Michael Steiner, Head of UNMIK. Its conditions included:

- the development of a democratic system based on the rule of law;
- the return of non-Albanian refugees;
- integration of non-Albanians into a multi-ethnic society;
- the solution of economic problems and regulation of the property issue;
- the commencement of direct talks between Pristina and Belgrade on technical matters;
- KPC/TMK reform.

In autumn 1999 the local Kosovo Police Service (KPS) was established within the security structures. It co-operates with UNMIK police and reports to the head of the UN mission. The KPS force is being increased systematically, while, at the same time, the international police contingent is being downsized. Towards the end of 1999 KPS, alongside the international police, began to control Kosovo's border crossings, including those with Serbia and Montenegro. UNMIK is also implementing the strategy of gradual take over of the managerial functions in the police force by Kosovo officers. This process will be concluded in 2005, when a Kosovo officer is to become chief of the entire police force.

In late December 2002, the Serbian daily *Danas* daily published a plan for the restructuring of KPC/TMK prepared by US experts at the request of the National Security Council. The plan states that:

- the force should be downsized;

- KPC/TMK should become more involved in ensuring security, e.g. by demining;
- KPC/TMK should co-operate with NATO with the intention to participate in peace missions;
- a new institution; the Kosovo Council for Security and Public Order, should be established within UNMIK to control KPC/TMK and the considerably enlarged KPS.

US authorities stated that this was not an official government plan, but they emphasised the need to reform KPC/TMK. The project came under severe criticism in Serbia, which saw it as the first step towards the formation of a Kosovo army. Albanians criticised it as well, because they opposed the downsizing of the Corps.

The KPC/TMK reform is linked with the UNMIK's plan to eliminate radicals and persons linked with the underworld. KFOR had assumed an overly passive approach towards KPC/TMK and UCK, creating conditions that allowed the members of these formations to take part in rebellions in Presevo Valley and Macedonia. In 2001–2002, UNMIK either dismissed or brought about the arrest of, and high imprisonment sentences for, more than a dozen KPC/TMK officers. In June 2001, more than a dozen prominent former UCK members were blacklisted (declared *personae non gratae*) by the EU and the US.

The Constitutional Framework included no direct reference to Yugoslavia's territorial integrity in the transition period or even to the provisions of the Helsinki Final Act. However, it did include a provision that the future status of Kosovo should be determined in accordance with Resolution 1244, "taking into full account" all appropriate factors, including the will of the people (the only factor named explicitly). Compared to Resolution 1244, the Constitutional Framework placed more emphasis on the need to hold a referendum but, unlike the Rambouillet document, it specified neither the exact date of such referendum, nor the date on which talks about the final status should begin. This absence of a date for the referendum dissatisfied Albanians. The Serbs, on the other hand, fiercely criticised the absence of an explicit provision on Yugoslavia's territorial integrity (in the context of the Kosovo issue). Subsequent statements by the UNMIK chief and EU and US politicians and, to a smaller degree, the conclusion of the agreement with Belgrade in November 2001, showed

clearly that Resolution 1244, and not the Constitutional Framework, is the document of primary importance for the international community.

After three years, the results of the policy implemented by UNMIK and new local authorities deserve some degree of criticism, but without going to extremes. Kosovo faces the serious problem of high unemployment and a very large group of people living below the poverty level¹⁶. The difficulties experienced by Kosovo's economy are visible e.g. in the frequent interruptions of the water and electricity supply. However, there are also some positive trends. Small enterprises are developing and trade is on a good track, a modern tax system has been introduced and tax collectibility is improving systematically. However, a decisive improvement in the economic situation will not take place as long as the issue of Kosovo's final status remains unresolved. Solving this matter would help Kosovo attract foreign investments and contract credits. As regards Western investments, it is particularly important to regulate property rights. This process was initiated with the regulation issued by the head of UNMIK on 9 May 2003 on the status of former state property, which made it possible to start the privatisation process. Another serious problem is corruption. Finally, the parliament works slowly. Faced with Kosovo's unresolved status, it spends too much time preparing symbolic resolutions intended to bring closer the prospect Kosovo's independence, while it does nothing to improve the difficult economic situation of the protectorate¹⁷.

Ever since KFOR entered Kosovo, the security situation has been improving systematically. This manifests itself, for example, in an evident decrease in the number of murders. However, continuing problems include:

- organised crime linked with political circles;
- politically motivated assassinations¹⁸;
- low crime detection rate owing to the poor functioning of the witness protection system.

Kosovo has also become an important location on the routes of drug and cigarette smuggling, illegal immigration and human trafficking.

The concept of a multi-ethnic Kosovo

Since the beginning of the Kosovo crisis, the international community has officially stuck to the concept of a multi-ethnic Kosovo in which non-Albanians would be treated as equal to the Albanian majority, and not as national minorities in an Albanian Kosovo. The implicit assumption underlying this idea was that territorial divisions and population exchanges are not to be accepted. It is difficult to estimate Kosovo's ethnic structure. According to the most recent and most reliable UN estimates, 230 thousand non-Albanians presently inhabit Kosovo, and around 240 thousand refugees live beyond its borders¹⁹. Together, they account for approx. 17 percent of Kosovo's population. When serious debates on the final status of Kosovo begin, there may emerge the problem of the citizenship of thousands of Albanians and non-Albanians who left Kosovo before the outbreak of fighting in 1998, frequently due to discrimination, and have not returned to date²⁰. The significance of non-Albanians in Kosovo becomes even more important if one remembers that before 1998 territories with a non-Albanian ethnic majority accounted for approx. 25 percent of Kosovo's territory²¹. The Rambouillet conference proposed a system of multi-ethnic democracy for Kosovo in which, for example, one third of seats in the parliament would be reserved for non-Albanians. The Constitutional Framework guaranteed 17 percent of seats in the parliament to non-Albanians, and it also envisaged the option to vote for candidates from outside the guaranteed quota. As a result, nearly 30 percent of MPs (holding 35 seats) in the Kosovo Parliament are non-Albanian. This percentage would be even higher, if not for the low turnouts of Serbs. Over the one and a half years of his rule, Prime Minister of Kosovo, Bajram Rexhepi, has substantially increased the number of non-Albanian officials working in government institutions. However, non-Albanians continue to account for a negligible percentage of employees working for major state-owned enterprises. On the local level, non-Albanian villages, especially those inhabited by Serbs, are frequently discriminated against by self-government authorities as regards finances and admini-

nistration. Under pressure from UNMIK, this situation began to improve in 2003.

The still smouldering Serbian-Albanian conflict is a major obstacle to the implementation of the multi-ethnic Kosovo concept. After 1999, thousands of non-Albanians fled from Kosovo for fear of the Albanians' revenge, which claimed hundreds of lives²². As a result, most of Kosovo Serbs and Romas are staying outside Kosovo for the moment. Serbian enclaves have formed in Kosovo, and they offer refuge to some of the Serbs who used to live dispersed in other regions of the province. In the largest of these enclaves, Serbs have expelled most Albanians by force or prevented refugees, who had fled at the time of ethnic cleansing during the NATO bombings, from returning to their homes. The position of Albanians living under Serb "rule" is very much like the situation of small Serbian "ethnic islands" in regions populated predominantly by Albanians. The most important of these enclaves is Kosovska Mitrovica, a region that borders Serbia directly²³. After 1999, this enclave became an actual part of Serbia: Serbian state institutions were preserved there and were not replaced by UNMIK structures, which was contrary to the provisions of Resolution 1244. Even today, the Serbian government continues to have officials in other parts of Kosovo as well.

The number of attacks on Serbs has gradually decreased, owing to the progressive shrinking of their population, their concentration in the enclaves and KFOR's intensified security efforts²⁴. Nevertheless, the situation of Serbs in Kosovo is still unsatisfactory, e.g. their freedom of movement is restricted²⁵, and they continue to be treated as second-class citizens²⁶.

The fundamental precondition of success of the refugees' return process is the affirmative attitude of the Albanian majority. However, Albanian-Serbian resentment remains strong, and the status of Kosovo is still indeterminate. As a result, despite the fact that a decisive majority of Albanians say they support the return of refugees, many of them fear that, in practice, this could jeopardise Kosovo's independence aspirations. Only less than three percent of refugees have returned so far, although the number of returning persons has been increasing steadily since 1999. The very organisation of the refugees' return is a point of contention. Albanians and UNMIK be-

lieve that returns should be an evolutionary process and that refugees should come back to their former homes. The Serbian side, on the other hand, promotes mass returns, mainly to Serbian enclaves. Albanians perceive this as an attempt to prepare the division of Kosovo.

In order to encourage Serbs to vote, Hans Haekerup, then Head of UNMIK, signed an agreement with Nebojsa Covic, Serbian Deputy Prime Minister, in November 2001. The agreement reaffirmed the primacy of Resolution 1244 over the Constitutional Framework, and assured Serbs that the number of their representatives in the justice system and the police would be increased, that the process of refugee returns would be hastened, that curricula developed in Belgrade would be introduced to Serbian schools and that the number of international judges would be doubled. However, this agreement was implemented only in part.

In July 2002, the new UNMIK chief Michael Steiner and a representative of Belgrade, signed an agreement on the inclusion of Serbian judges into the Kosovo administration of justice. It was implemented in December 2002²⁷. Towards the end of November 2002, Steiner concluded an agreement with Covic on the gradual integration of the Mitrovica region with UNMIK structures. The process projected by this agreement was frozen in February 2003 when Mitrovica became the focus of the Serbs' efforts to divide Kosovo. In 2003, a self-government reform (decentralisation) prepared by the Council of Europe is to be implemented.

The multi-ethnic Kosovo concept is linked to the issue of direct talks between Pristina and Belgrade on strictly technical matters, which UNMIK hopes will help build mutual confidence. However, both sides approach these talks with caution because of the radical differences in their views on the key question of Kosovo's future status²⁸. These talks were scheduled to commence in March 2003, but they did not take place because of the assassination of Serbian Prime Minister Zoran Djindjic. Besides, those Albanians who wanted to reaffirm the separation between Kosovo and Serbia are much more interested in talks with Kosovo Serbs, without Belgrade's mediation.

In May 2003 Hashim Thaci, the former UCK leader, extended a proposal of dialogue to Kosovo

Serbs, but his offer was rejected after the Kosovo Parliament passed the declaration honouring the Kosovo people's long struggle for independence.

Belgrade and Kosovo Serbs

Before Milosevic lost power in October 2000, Belgrade's policy had been resolutely anti-Western. In the relations with UNMIK, this policy had a destructive impact (supporting Serbian enclaves in Kosovo). The new democratic government in Belgrade, which succeeded Milosevic in October 2000, adopted a two-way strategy: on the one hand, it continued to support parallel structures that were independent of UNMIK (especially in the enclave of Kosovska Mitrovica) and, on the other, it tried to include Serbs into the mainstream of political life in return for certain concessions made by the UN.

One of the most significant moves made by Serbian authorities, which aimed to co-ordinate the Serbian policy towards Kosovo, was the establishment, on 3 July 2001, of the Co-ordination Centre for Kosovo and Metohija. The Centre was chaired by Deputy Prime Minister Nebojsa Covic, who earned his position of authority by solving the conflict in the Presevo Valley (on the Serbian-Kosovo border) in 2001. For some time, Serbian authorities hoped that the success Presevo Vallin move would persuade UNMIK to allow the gradual expansion of Belgrade's influence on the situation in Kosovo.

The most important manifestation of Serbian pragmatism was the formation of the Return Coalition that took part in the parliamentary elections of November 2001. However, this strategy was criticised by many Kosovo Serbs, who opposed integration with UNMIK and followed the tactic of boycotting the protectorate's institutions.

Faced with Albanian pro-independence efforts and compromises reached by UNMIK and the Kosovo Albanians leading to the expansion of the competencies of local authorities, the Return Coalition also resorted to boycotting administrative structures established by UNMIK as a weapon in its political struggle²⁹.

Belgrade attempted to play a role in Kosovo in several different ways, but these attempts frequ-

ently ended with spectacular fiascos as UNMIK in spite of Belgrade's protests took decisions against Serbia's will. Typical examples of this included the commencement, in April 2003, of the transfer of competencies to local authorities, and Michael Steiner's regulation authorising privatisation of former state-owned property in Kosovo issued on 9 May 2003 (Belgrade considered these state-owned assets to be Serbian property). Aware of its limited influence, Belgrade sometimes accepts the reality that is imposed on it. For example, in July 2002, it established border crossings with Kosovo on the Serbian side of the border.

While Belgrade recognises Resolution 1244, it obviously interprets it in line with its own interests. It claims that the Kosovo area *de iure* remains part of Yugoslav territory. Serbian authorities have emphasised this repeatedly, e.g. by signing an agreement on the delimitation of borders with Macedonia in February 2001 (the agreement pertained to the Macedonian-Kosovo section of the border as well) or by including Kosovo Albanians in turnout calculations during presidential elections in Serbia. The constitution of Serbia and Montenegro, crafted for months and which was finally adopted on 4 February 2003, was also an important element in this strategy. The constitution's preamble includes a provision that Kosovo is an autonomous province of Serbia, temporarily under the control of the United Nations³⁰.

In Belgrade, the project to solve the Kosovo problem by dividing the province into a Serbian and an Albanian section is gaining popularity. Were it carried out, the Serbian section would be incorporated directly into Serbia, and the Albanian part, with a very broad autonomy, would remain an international protectorate. This way, the territorial integrity of Yugoslavia (Serbia and Montenegro) would be preserved. Another variant of this concept is to radically alter borders based on ethnic criteria throughout the region. The former project once again became the subject of public debate in May 2001 when work on the Constitutional Framework was about to be finished in Kosovo. At that time, Serbian Deputy Prime Minister Nebojsa Covic put forward the concept of dividing Kosovo. Covic's deputy in the Co-ordination Council and his chief advisor was the town planner Branislav Krstic, the leading ideologist of the concept to divide Kosovo,

which he discussed in his book *Kosovo pred sudom istorije* (Belgrade, 2000)³¹. The international community has sometimes tried to take into account some demands of Serbs regarding the division of Kosovo along ethnic lines. Before the local elections in October 2002, the UNMIK chief promised Serbs that a self-government reform would be carried out allowing non-Albanians to establish special administrative units with broad competencies within communes in areas populated by non-Albanian majorities, if they voted in large numbers during the elections. The turnouts were low, however, and this project was postponed until a later date. At the moment, a new self-government reform project prepared by the Council of Europe is in the pipeline. In January 2003, Serbian Prime Minister Zoran Djindjic told *Der Spiegel*³² that if Kosovo Albanians continued to push for independence, Belgrade would call for a new “Dayton conference” to establish new borders based on ethnic criteria. Djindjic made it clear that he meant a division of Kosovo, incorporation the Serbian parts of Kosovo into Serbia and the inclusion of the Serb-inhabited parts of Bosnia into Serbia, in return for the separation of the Albanian part of Kosovo from the federation of Serbia and Montenegro. This statement was criticised fiercely by the US and the EU and Djindjic finally withdrew his proposal claiming that his objective was to win the backing of the international community for the preservation of Yugoslavia’s territorial integrity, identical to that enjoyed by Bosnia. A week later, he called for direct talks to be held with the Albanian side, Kosovo Serb leaders and the international community in order to determine the future status of Kosovo. Djindjic justified his proposal with the policy of *faits accomplis* allegedly pursued by the international community, which led to the formation of a *de facto* independent state in Kosovo³³.

The talks were scheduled to start in June 2003. The Serbian Prime Minister’s proposal was criticised by the EU and the US, which maintained that talks on the final status of Kosovo should not commence until certain conditions were met, in keeping with the “Standards Before Status” strategy. On 20 January, Kosovo Serbs proclaimed the formation of the Union of the Serbian Communes of Kosovo and Metohija³⁴ and, a week later, the Union’s representatives met Djindjic in

Belgrade. At that time, a “covert” joint action strategy was adopted, which projected the development of Serbian structures within Kosovo. The proclamation establishing the Union made it clear that the deepest concession the Kosovo Serbs would be ready to make was the acceptance of the secession of the Albanian part of Kosovo³⁵. On 1 February, Djindjic demanded in a letter to Admiral Gregory Johnson, commander of NATO forces in South Eastern Europe, that the Yugoslav army and Serbian police units be allowed to return to Kosovo in numbers authorised by Resolution 1244. The same demand was included in the letter sent on 7 February to UN Secretary General Kofi Annan. The international community rejected Djindjic’s initiative, emphasising that the only armed force authorised in Kosovo was KFOR and that the resolution only mentioned the return of army and police personnel, and not armed units. In his response on 22 February, Djindjic said that if the West refused to allow the return of Serbian forces to Kosovo, Belgrade would back the formation of a Serbian mini-state in Kosovo³⁶. Three days later, the Union of Serbian Communes of Kosovo and Metohija proclaimed the formation of its own parliament and passed a declaration on Kosovo’s territorial integrity within Serbia. This declaration also provided that Serbian enclaves within Kosovo should be connected by special corridors and that they should maintain close ties with Serbia in terms of education, the welfare system, health care and security. On 29 February, Djindjic stated in an interview for the Serbian newspaper *Vesti* that Kosovo should be transformed into a Serbian-Albanian federation similar to the Muslim-Croatian federation in Bosnia (the canton system) and remain part of Serbia, enjoying a status higher than that of an autonomy, but lower than that of federal units (Serbia and Montenegro)³⁷. This meant that Kosovo would be granted an autonomy broader than that of Voivodina, but smaller than the one it had in communist Yugoslavia (1974–1989). However, because of the assassination of Djindjic and Serbia’s internal problems linked to the struggle against organised crime, the Serbian offensive in Kosovo had to slow down.

Kosovo Albanians and Albania

Ever since KFOR entered Kosovo, the main goals of Kosovo Albanians have been to hasten the process of transferring competencies to local authorities and to hold talks on the final status of Kosovo as soon as possible. The weak point of the Albanian policy, which limited its effectiveness, was the deep division of the political scene between Hashim Thaci's Democratic Party of Kosovo (PDK) and Ramush Haradinaj's Alliance for the Future of Kosovo (AAK) (groups originating from the UCK), on the one hand, and Ibrahim Rugova's Democratic League of Kosovo (LDK), on the other. Unlike the former two, the latter group sought the legitimisation of Kosovo's independence in the events of the early 1990s, claiming that Kosovo had already proclaimed independence and now it only needed to seek international recognition. The passing, in May this year, of the common parliamentary resolution of the three parties, honouring all forms of the Albanian people's struggle for independence in the 1990s, was of historical importance and marked the first step towards bridging these divisions.

Following the withdrawal of Yugoslav troops from Kosovo, Albanians initially tried to pursue a policy of *faits accomplis* to bring closer the prospect of independence. In June 1999, Hashim Thaci's government took advantage of the interregnum that followed the withdrawal of Yugoslav troops, and immediately appointed mayors to nearly all the communes except for the three that formed the Serbian enclave north of Mitrovica. Under pressure from the international community, Thaci subsequently approved the self-government authorities appointed by UNMIK. In order to ensure that independence remains a publicly debated issue, Albanians sometimes took measures that were sure to provoke criticism from the international community. For example, on 15 May 2003, the MPs of all Albanian parties and representatives of non-Serb nationalities passed a symbolic resolution "honouring Kosovo's long struggle for national independence"³⁸. The official declarations of the Albanian side frequently differed from the policies actually pursued. An example of this was the involvement of members of the Kosovo Protection Corps, a force

linked to parties originating from the UCK, in the rebellion in Macedonia condemned by the Alliance for the Future of Kosovo (AAK) and the Democratic Party of Kosovo (PDK) under Western pressure.

Albanians firmly oppose any agreements concluded with Belgrade by the neighbouring countries or UNMIK, which relate to Kosovo but have not been consulted with the Albanian side. One of the reasons for the increased activity of the Albanian guerrillas in the Presevo Valley in November 2000 was the fear that democratic Belgrade might become UNMIK's chief partner³⁹.

On 23 May 2002, the parliament of Kosovo passed a resolution declaring that the agreement on the delimitation of borders concluded in February 2001 between Serbia and Macedonia was void. The head of the UN mission immediately vetoed this resolution but, at the same time, made it clear that the final shape of the Kosovo-Macedonian section of the border should be determined in talks between the Macedonian government and UNMIK. Several months later, Albanians were seriously annoyed by the EU's approval of the preamble to Serbia and Montenegro's constitution. After it was presented to the public in early November 2002, Kosovo's prime minister, Bajram Rexhepi, stated that the draft preamble was unacceptable to Kosovo Albanians and threatened that if the EU approved it, the Kosovo Parliament would probably pass a declaration of independence. On 7 November 2002, the parliament in Pristina passed a resolution proclaiming the invalidity of Serbia and Montenegro's constitution preamble. This resolution, in turn, was vetoed by Michael Steiner. When Zoran Djindjic raised the issue of the cantonisation of Kosovo in January 2003, the AAK responded with a proposal for the Kosovo Parliament to draft a declaration of independence. This concept of the AAK won the support of a large group of PDK MPs. In the end, however, the Parliament's leaders decided under international pressure not to start a debate on this issue, in spite of AAK's protests.

On the other hand, Hashim Thaci's moratorium concept presented in April 2003 was an example of a constructive (counter) offensive of the Albanians, which had the support of the West. It provided that a specific date should be determined for the start of talks on Kosovo's final status,

that any debates on this issue should be suspended until that date, and that efforts be concentrated on the development of democratic institutions in Kosovo. The Serbian side, opposed to the transfer of further competencies to local authorities and other Albanian parties, disapproved of Thaci's proposal⁴⁰.

Albania is obviously the most earnest backer of Kosovo's independence aspirations. Since the fall of communism, Tirana has been pursuing a firmly pro-American foreign policy, hoping to win US support for Kosovo's independence. This policy leads to tensions between Albania and the EU. However, as the prospect of European integration for Albania remains vague, relations with the US are of priority importance for Tirana. Authorities in Tirana compared with Albanian elites from Kosovo are adopting a more moderate position on the independence issue (e.g. they accept the UN's line on the date on which talks should commence) in order to avoid tensions in their relations with Brussels and Washington, two major sources of financial assistance for Albania, one of Europe's poorest countries. Tirana supports Kosovo's independence aspirations mainly through the promotion of mutual economic co-operation. The plan to build a highway from Durres to Pristina, connecting Kosovo with the Adriatic coast, is of key importance in this respect. The highway will restore commercial links between these two regions broken ninety years ago.

Kosovo vs. the international community

The United States has played the most important role in Kosovo's recent history. In the mid 1990s, Washington determined that removing Slobodan Milosevic from power was a necessary prerequisite for the stabilisation of the Balkans. The US's firm stand, combined with Belgrade's confrontational policy in the period of the Kosovo crisis⁴¹, led to rapprochement in American-Albanian relations and strengthened the firmly pro-American sentiments of Albania's political elites⁴². Even after the toppling of Milosevic, when the American-Yugoslav relations were improving, Albania had the best relations with

Washington of all countries in the region. These relations improved further when Albania firmly backed Washington's policy following the attacks of 11 September 2001⁴³ and during the Iraqi crisis. Unlike Belgrade, Albanian political elites in Kosovo, Albania and Macedonia backed the US policy without reservations⁴⁴. Today, the United States, more than any other country, is theoretically prepared to approve Kosovo's independence on certain conditions, though its support for this idea is rather moderate. Support for this concept is mainly evident within the US Congress. In the 1990s, Robert Dole, the leader of the republican majority and a candidate in the presidential elections of 1996, was an advocate of Kosovo's case. In June 2002 in the House of Representatives congressmen Tom Lantos and Ben Gillman, both affiliated with the Albanian lobby in the US, put forward a draft resolution calling on Washington to back Kosovo's independence. In January 2003, Lantos and Henry Hyde, Chairman of the International Relations Committee of the House of Representatives, proposed a new draft, which differed from the original one in that it made the formation of democratic institutions in Kosovo and the inclusion of the EU in this process a prerequisite for the recognition of Kosovo's independence (the previous draft resolution only mentioned NATO and the United Nations). In May 2003, Joseph Biden, Chairman of the Senate Foreign Relations Committee, filed a draft resolution calling for an independence referendum to be held in Kosovo.

However, none of the senior officials of the President's Administration, the main author of Washington's foreign policy, ever officially backed the idea of an independent Kosovo. [Former] US President Bill Clinton did it only once, in a special situation, i.e. during the 1999 bombings of Yugoslavia, threatening Milosevic that Yugoslavia might lose Kosovo forever. Presently, the Balkans are no longer a region of priority for the United States. The US is gradually withdrawing from the Balkans, e.g. in 2002, it left the Montenegro issue to the determination of the EU. This was particularly meaningful given the fact that, unlike the EU, the United States had no serious reservations concerning Montenegro's independence.

The European Union is believed to approach Kosovo's independence aspirations with more

scepticism than the United States⁴⁵. The greatest potential opponents of independence include Greece, Belgium and France. The EU's fear of Kosovo's uncontrollable independence aspirations manifested itself in Brussels' commitment to the process of Yugoslavia's transformation into Serbia and Montenegro. The EU's objective was to prevent Montenegro's secession as that would signify the end of Yugoslavia, of which Kosovo remained an integral part. The federation of Serbia and Montenegro was established largely due to the strong pressure of Brussels, exerted in particular on the weaker Montenegro. In March 2002, Belgrade and Podgorica reached a compromise on a peaceful "divorce"⁴⁶. Montenegro agreed to postpone discussions on the independence referendum, initially until 2005, and then until 2006. The constitution of the new state includes the provision that, if Montenegro secedes in 2006, Serbia will become Yugoslavia's successor. There is hope within the EU, to solve the Kosovo problem by waiting until the Albanians' "independence fever" abates, then reintegrating Kosovo as a third republic within a new, democratic and deeply decentralised Yugoslavia. Chances that this scenario might succeed improved after Milosevic was toppled in October 2000 and the democratic opposition came to power in Belgrade.

The problem of Kosovo's final status is very important for the process of integrating the Balkans into Europe, as only independent states may apply for membership in the EU. Brussels wishes to prevent Kosovo from becoming a black hole in the Balkans, due to its indeterminate status, as the region integrates with the EU. The EU plays an important role in the development of Kosovo because, within UNMIK, the European Union is responsible for the economic development of the protectorate. For a long time, the EU has been declaring readiness to take over UN peace missions in Bosnia and Kosovo. Within the framework of the Stabilisation and Association Process (SAP), the objective of which to make Balkan states to conclude association agreements with the EU, Brussels is implementing a strategy of parallel relations with Kosovo independently of its relations with Belgrade. In order to establish direct contacts with Pristina, the EU opened a European Office within the UNMIK in early 2002. In November 2002, a conference on "Kosovo in the SAP" was held in Brussels with

representatives of UNMIK and Kosovo authorities. On 13 March a European envoy, UNMIK Chief Michael Steiner and Kosovo's prime minister Bajram Rexhepi met in Pristina for the first time. This meeting marked the beginning of the "implementation of co-ordination mechanisms necessary for the functioning of the SAP monitoring mechanism", i.e. the initiation of the Stabilisation and Association Process⁴⁷.

In the 1990s, Belgrade's most important patron on the international scene was Russia, although it treated Serbian interests largely as an instrument of its policy towards the US and the EU. Russia's position was substantially undermined by NATO's intervention in Kosovo carried out in spite of Moscow's objections. Following Vladimir Putin's rise to power, Russia's policy towards the Balkans became more pragmatic. Russia came to terms with reality (meaning the limits of its potential), which manifested itself, for example, in the insubstantial role it played during the crises in Presevo Valley (2000–2001) and Macedonia (2001), and the withdrawal of all Russian units from peace missions in Bosnia and Kosovo in 2003. However, as regards Kosovo, support extended by Russia to Belgrade still appears to be stronger than the backing provided by the US to Albanians.

The United Nations appears to be ready to approve Kosovo's independence more than any other organisation. In October 2000, the Independent International Commission on Kosovo, working under the auspices of the UN and chaired by Swedish Prime Minister Goran Persson, presented a report on the future of Kosovo prepared for UN Secretary General, Kofi Annan. The Commission decided that forcing Kosovo Albanians to accept autonomy within Serbia or the status of a third constituent republic of Yugoslavia was unrealistic and immoral. It maintained that the optimum solution would be conditional independence for Kosovo – in order to obtain it, Kosovo would be required to meet the criteria defined by the UN in the "Standards Before Status" strategy. Two months later, in December 2000, Kofi Annan proposed a plan to create a confederation of three independent states – Kosovo, Serbia and Montenegro. This proposal was met with very critical responses on the part of the Serbs and relatively critical reactions on the part of Kosovo Albanians⁴⁸.

Forecast

Over the next few years, Kosovo's autonomy will be expanded further (e.g. it will become a rule for the Kosovo's prime minister and the head of UNMIK to participate in international conferences). Elements of the EU legislation will be introduced in Kosovo as part of the Stabilisation and Association Process. These developments will continue to breed tension between UNMIK and Belgrade. Kosovo Albanians, on the other hand, will demand talks on Kosovo's final status more pressingly (through demonstrations). This issue will surely re-emerge in the context of the European integration process, when Serbia and Montenegro file applications for EU membership in Brussels or when the time comes to decide on the further fate of this state.

As regards Kosovo's final status, the most likely scenario is that in 2005 the Security Council will determine the date on which talks on this issue will begin, subject to certain criteria being met. At the same time, the EU will probably take over UNMIK's competencies in the civil sphere and the EU and NATO will establish joint command over KFOR.

Reuters reported on 20 May 2003 that, according to anonymous sources in the EU, Brussels is more than ever convinced that no stability in the region or the protectorate will be possible as long as Kosovo's status remains indeterminate. The EU gradually admits that forcing Albanians to accept reintegration within Serbia and Montenegro is unrealistic, even if the relations were asymmetric, i.e. if Kosovo enjoyed a broader autonomy. The new federation of Serbia, Montenegro and Kosovo would be a dysfunctional state due to permanent internal conflicts. On the other hand the division of Kosovo into a Serbian and Albanian part would be easy to implement only for Mitrovica⁴⁹. For this reason, the most probable scenario is that Kosovo may gain conditional independence⁵⁰. Following negotiations with the UN Security Council, the European Union will probably take over the civil aspect of the protectorate over Kosovo from the latter, leaving the military aspect to NATO. An EU-appointed governor co-operating with the local government will further expand the competencies of local autho-

rities, retaining control only over foreign and defence policies. The governor, in co-operation with the local government, will also continue to "Europeanise" Kosovo's legislation⁵¹. Some politicians in Brussels may hope that the "stick and carrot" policy (integration with the EU and Kosovo's dependence on Western financial assistance), the threat of complete international isolation and awareness of NATO's military power should persuade Albanians to give up their independence aspirations. In order to implement this solution, KFOR would have to stay in Kosovo with a relatively large number of troops and be transformed into an occupying force pacifying any demonstrations organised by the Albanians. What is more, one could not preclude the emergence of terrorist organisations of disappointed radical Albanians targeting international forces. Kosovo's problems could also be easily "exported" to Macedonia and the Presevo Valley.

Even if Albanians were successfully forced into accepting the status of an EU protectorate, the issue of independence would still re-emerge on the occasion of each election. The EU would face a difficult task explaining why Kosovo shouldn't have the same rights as other states in the region once the Balkans became stabilised and integrated with the EU. On the other hand, if Kosovo's independence was recognised, the protectorate would not end automatically: Bosnia and Kosovo alike would remain under the supervision of Brussels and Washington for a few more years, as a theoretically independent state.

Talks on Kosovo's final status will certainly involve the participation of the US, the EU, the United Nations, and perhaps also Russia. From the point of view of Albanians' aspiration for independence, the diplomatic commitment of the US will be of crucial importance. The problem of Kosovo is more serious than that of neighbouring Montenegro. Albanians are the only predominantly Muslim nation in the world with firm pro-American sentiments. Hence, Washington will probably not leave the decision on Kosovo's status to the EU. Because of foreign policy differences within the EU, the commitment of the United States will play a decisive role. The scale of US activities in the Balkans will depend, among other factors, on the situation in the Mid-

dle East. If this region does not become politically destabilised or, more so, if Washington manages to secure peace in the Israeli-Palestinian conflict, the US will probably take a decisive stand on the issue of Kosovo's final status, thus reaffirming its position as a superpower. The materialisation of any pessimistic scenarios for the Middle East, however, will mean that Kosovo's status may remain suspended for longer. Russia, China and France because of their strong support for idea of invariability of borders and their traditional distance towards ns. policy will probably have the greatest reservation towards Kosovo's independence. However, this issue is not of strategic importance in world politics. Therefore, it can be assumed, taking into account, the pragmatism of Beijing and Moscow, as well as the lack of Germany's support for parts' stance, the above cited countries will not conduct an uncompromising policy in the matter.

If the EU and the US choose to proceed towards Kosovo's independence in an evolutionary manner, imposing certain conditions, it will be very important to include Belgrade in the process. International community is afraid that the independence of Kosovo could harm proeuropean orientation of Serbia. However, the position of chauvinist forces is weakened. It is hardly possible that the leaders coming from democratic opposition could keep being adamant as long as Kosovo's future is concerned since Serbia has a perspective of integration with the EU. The most important arguments that could persuade Belgrade to co-operate include: prospects for Serbia's integration with the EU the development of regional co-operation enabling Belgrade to retain influence on the situation of Kosovo Serbs, joining Mitrovica with Serbia and broad autonomy for non-Albanians⁵². Independent Kosovo will be forced to sign the international treaty which will forever exclude the possibility of its union with Albania.

A similar "carrot" (integration with the EU) should also be offered to Bosnian Serbs. When the question of Kosovo's independence emerges, the EU and the US will probably have to make certain concessions to the Serbian Republic in Bosnia, offering guarantees that it retains its autonomy within Bosnia and Herzegovina. After Romania and Bulgaria (and perhaps also Croatia)

become EU and NATO members within the next four years, Brussels will probably try to make the remaining states of the region, i.e. Albania, Macedonia, Serbia and Montenegro and the Kosovo protectorate, co-operate more closely, forming a kind of regional mini EU.

One of the most important conditions imposed by the international community will certainly be that Kosovo's independence may be recognised only if refugees are allowed to return. Theoretically, the prospect of independence offers the best chances for the constructive involvement of Albanians in this process. Presently, Serbian authorities are threatening that, if Kosovo chooses to push for independence, they will appeal to Serbs living in Kosovo to leave the protectorate on a mass scale and to stop the return of refugees. This position may change, however, once Serbia comes to terms with reality and realises that the more Serbs return, the stronger its position in Kosovo will be. Obviously, not all refugees will return. According to the Council of Europe's estimates, approx. one third of refugees are not willing to do this. The scale of returns will depend on whether the West makes returning financially attractive. However, it is highly likely that most of the refugees will not be interested in returning to independent Kosovo. At least some Albanians will be dissatisfied with any concessions made to Kosovo Serbs over internal issues. Besides, there will always be extremist Albanian groups calling for Kosovo to be cleansed of Serbs and opposing any concessions being made to Belgrade. A resolved stance of the West and the prospect of independence should keep these in a marginal position, however.

The greatest fear of the international community is that Kosovo's independence may rekindle the Albanians' hopes of creating a Great Albania. Albanian rebellions in the Presevo Valley and Macedonia in 2001 justified apprehension concerning the consequences that Kosovo's independence may have on regional stability. Particularly vulnerable is the situation in Macedonia, where the Albanian minority of nearly 500 thousand accounts for approx. one quarter of the population. The present situation in Macedonia warrants moderate optimism – former rebellion leaders are acting constructively, participating in the government and approving the compro-

mise peace agreement, which preserved the country's integrity and granted a broad autonomy to Albanians. Nevertheless, it should be expected that any concessions to Kosovo Serbs would encourage Macedonian Albanians to demand a broader autonomy as well. On the other hand, there will always be groups in Kosovo demanding its unification with Albania. It is unlikely, however, that they should garner a broader backing – Albanians have to take into account the position of the West on this issue. This traditional Albanian pragmatism stems from an awareness of the nation's weakness and the need for the support of a mighty patron, which is necessary for the change in *status quo*. In the end, it will be of key importance for the solution of the Kosovo problem that the West adopt a firm and resolved stance providing it with the ability to impose its own solutions. However, it must first develop an action plan for the region and shape reality on this basis, rather than merely responding to current difficulties and observing the situation develop.

Adam Balcer

¹ It is extremely difficult to estimate the real size of Kosovo's population and its ethnic structure. This problem is discussed in the chapter on "The Concept of a Multi-Ethnic Kosovo".

² Numerous Serbian church monuments found in this region are a material symbol of the Serbs' historical claim on Kosovo.

³ Equal representation on the federal level and permanent borders.

⁴ Radical groups advocating the formation of Great Albania had limited support. However, the concept to annex areas inhabited by Albanian majorities beyond the borders of Kosovo to the Republic of Kosovo enjoyed some popularity.

⁵ The constitution provided that any alteration of Yugoslavia's borders, e.g. secession of one of the republics, required the consent of all federal units. Thus, even if Kosovo were granted the status of a republic, this would not automatically enable its secession.

⁶ In October 1991, Albanian parties from Serbia, Kosovo, Montenegro and Macedonia met in Pristina. At that meeting, a declaration was adopted stating that, in the event of Yugoslavia's break-up and the alteration of the borders; areas inhabited by Albanian majorities should have the right to join Albania (<http://www.kosova.com> – the page of Qendra per informim e Kosoves – a news agency linked with LDK).

⁷ The declaration of independence, recognised solely by Albania and only in theory, was passed by the Kosovo Parliament previously dissolved by Milosevic.

⁸ In 1996, Ibrahim Rugova concluded an agreement with Slobodan Milosevic under which cultural autonomy was to be restored. The signing of this agreement in fact meant that Kosovo gave up its independence aspirations. This agreement was never fully executed.

⁹ According to research carried out in August 1997 by the independent Serbian daily *Nasa Borba* and the Kosovo paper *Koha Ditore*, 42 percent of Serbs opposed any form of autonomy for the Albanians, even the autonomy that was in place, and 40 percent were prepared to extend the existing autonomy moderately in the cultural dimension only. Over 50 percent of Albanians were ready to give up independence aspirations and accept the pre-1989 autonomy, and an even larger group was ready to accept the status of a Yugoslav republic (International Crisis Group, Kosovo Spring, 20 March 1998, pp. 45–46, http://www.crisisweb.org/projects/balkans/kosovo/reports/A400178_20031998.pdf).

¹⁰ The concept to divide Kosovo first emerged in the famous 1986 memorandum of the Serbian Academy of Sciences and Arts (SANU). This concept was supported by Dobrica Cosic, the mentor of this memorandum, a well-known writer and president of Yugoslavia in 1992–1993. The concept of cantonisation had been authored by Serb historian Dusan Batakovic, presently Serbia's ambassador to Greece. His plan assumed that Kosovo would be divided into five cantons and that an Albanian-Serbian administration would be established for the large cities. In February 1999, the Serbian Orthodox Church presented this plan to the French Foreign Affairs Ministry.

¹¹ The key point of contention was the stationing of international troops in Kosovo, any variant of which was opposed by Milosevic. On the other hand, in the course of negotiations, the West imposed very stringent conditions on which NATO forces could be stationed in Kosovo.

¹² Approx. 850 thousand Kosovo Albanians were driven away to the neighbouring Albania, Macedonia and Montenegro, a further several hundred thousand had to seek refuge in the mountains and other inaccessible areas of Kosovo.

¹³ In the resolution, all UN member states “reaffirms” their support for the integrity and sovereignty of Yugoslavia, as it is termed in the Helsinki Final Act and Annex 2, which includes a provision that the international administration is supposed to secure Kosovo’s autonomy within Yugoslavia in the transition period. In the Rambouillet final document, the international community backs the sovereignty and integrity of Yugoslavia in accordance with the Helsinki Final Act, and states that national communities in Kosovo should not jeopardise Yugoslavia’s sovereignty.

¹⁴ In March 2003, a representative of the Kosovo government and a UNMIK representative signed a free trade agreement with Macedonia (<http://www.radio21.net> – the independent Albanian radio in Kosovo).

¹⁵ In May 2003, representatives of the local authorities and the head of UNMIK were supposed to take part in NATO and EU-organised conferences for the first time. However, Michael Steiner, the head of UNMIK, cancelled their participation after the Kosovo Parliament passed a resolution honouring the people of Kosovo struggling for independence.

¹⁶ Official figures are not completely reliable because a large portion of the unemployed work illegally.

¹⁷ In 2002, the parliament passed only two out of twenty laws drafted by the government.

¹⁸ Most victims were activists of the Democratic League of Kosovo (LDK), the formation of President Ibrahim Rugova (<http://www.kosova.com>).

¹⁹ Some sources quote a smaller number of refugees (200 thousand), while others claim it was higher (280 thousand). International Crisis Group (ICG), Return to uncertainty: Kosovo’s internally displaced and return process, 13 December 2002, p. 1–2;

http://www.crisisweb.org/projects/balkans/kosovo/reports/A400851_13122002.pdf

²⁰ In Western countries, there are large groups of Albanians who left Kosovo in the 1990s and to date have not acquired citizenship of the countries where they are staying to date. After 1999, they could not cast their votes in Kosovo elections abroad, unlike the Serbian refugees staying in Serbia. Thousands of Serbs left Kosovo in the 1980s; in future, Belgrade may offer them Kosovo citizenship. Among Serbian refugees from Kosovo and Serbs living in Kosovo there are also Serbs from Croatia. In 1992–1995, during the war in Bosnia, thousands of Bosnians left Kosovo under Serbian pressure.

²¹ In terms of ownership, the proportion of land owned by non-Albanians, and Serbs in particular, is larger than the proportion of non-Albanians in the entire population of Kosovo. Albanians are a relatively young society. In terms of the adult population, the percentage of Albanians will for

many years remain lower as compared to the entire population. At the moment, approx. 1/4 of adult inhabitants of Kosovo, including refugees, are non-Albanian.

²² Most Serbs left Kosovo in three waves: during the bombings of Yugoslavia, with the leaving Yugoslav army, and during the first few weeks that followed the army’s withdrawal. Migration to Serbia continues even today, however, the number of returning refugees is greater than the number of those leaving.

²³ The division of Mitrovica shows how mini-enclaves form within enclaves. In the northern, Serbian part of the city, a portion of the pre-war Albanian population still lives in compact settlements. Their situation is the same as that of small Serbian enclaves in those parts of Kosovo where the ethnic conflict is still in the hot phase.

²⁴ The number of attacks against Serbs remained stable for over a year, suggesting that, in part, this must have been a planned action. Since the issue of Kosovo’s status remains open, radical Albanian groups, including a portion of the UCK, see cleansing Kosovo of as many Serbs as possible as the best way to eliminate Belgrade’s influence and to discourage refugees from returning.

²⁵ Michael Steiner, the head of UNMIK, blames this partly on Belgrade because, in spite of the fact that a special agreement was signed in August 2002, Belgrade has been postponing the solution of this problem and uniform registration plates have not been introduced throughout Kosovo to date.

²⁶ Generally, the situation of non-Serbian ethnic groups, e.g. Turks, Bosnians, Ashkalis, or Egyptians (in this order; the latter two groups being of Roma origin), is much better than the situation of Serbs and Romas. Presently, their political elites support the independence aspirations of the Albanians (OSCE, Reports, Situation of ethnic minorities in Kosovo, <http://www.osce.org/kosovo/documents/reports/minorities/>)

²⁷ Albanians have raised objections regarding some of the judges, claiming they had been at the authorities’ disposal at the times of Milosevic (www.kosovapress.com – website of the Kosovo press news agency linked with the political parties originating from the UCK).

²⁸ The position of Albanians in negotiations was weaker from the very beginning, because of the indeterminate status and limited competencies. In addition, Belgrade was not interested in treating Kosovo’s local authorities as equal partners.

²⁹ Serbian MPs left the parliament’s meetings each time any issues relating to Kosovo’s independence or Yugoslavia’s sovereign rule over it were on the agenda. After the parliament in Pristina passed the resolution declaring the invalidity of the preamble of Serbia and Montenegro’s constitution that stated Kosovo was an autonomous province of Serbia in November 2002, the Serbs boycotted the parliament’s meetings for nearly four months.

³⁰ Under Resolution 1244, Kosovo remains an integral part of Yugoslavia in the transition period.

³¹ Krstic is opposed to cantonisation as the final solution. However, he advocates the division of large cities into Albanian and Serbian sections. Covic does not preclude cantoni-

sation based on the model of the Muslim-Croatian Federation in Bosnia. As regards Mitrovica, it is assumed that several communes constituting one city district will be established.

³² *Der Spiegel*, 11 January 2003.

³³ Djindjic's position was also criticised by Yugoslav President Vojislav Kostunica. Many commentators believed that Djindjic's sudden turn was intended to win popularity with the nationalist part of the Serbian electorate.

³⁴ This two-way policy of Serbia may be exemplified by the decision taken four days later to end the boycott of the Kosovo Parliament.

³⁵ It included the following provision: "In case that someone attempts to establish a new Albanian state within a part of the State Union of Serbia and Montenegro, including Kosovo, the Union of Serb municipalities and municipal units in Kosovo shall call the Government of Serbia and the bodies of the State Union of Serbia and Montenegro to ensure full sovereignty in the areas inhabited by Serb people for centuries". ICG, Kosovo Ethnic Dilemma: The Need for Civic Contract, 28 May 2003, p. 20. http://www.crisisweb.org/projects/balkans/kosovo/reports/A400983_28052003.pdf

³⁶ <http://www.b92.net>

³⁷ <http://www.b92.net>

³⁸ Michael Steiner disapproved of this resolution, but he admitted that its message had been partly mitigated in keeping with his earlier objections (www.kosovalive.com – the website of an independent news agency).

³⁹ The Albanian offensive in the Presevo Valley followed the invitation of the Yugoslav President to the Stabilisation Pact summit to which no Kosovo representative had been invited.

⁴⁰ Veton Surroi, Fillimi i shekullit – përgjigje ndaj moratoriumit të Hashim Thaçit (*Koha Ditore*, 20 May 2003; http://www.koha.net/read_kosove.asp?id=2664).

⁴¹ The solution of the Presevo Valley problem by Belgrade in 2001, shortly after Milosevic lost power, suggested that if the methods of fighting Albanian guerrillas had been different (surgical operations of special units instead of pacification of entire villages and massacres of civilians) and if Serbia had been under a different kind of rule, the West's policy towards Kosovo in 1999 would certainly have been different.

⁴² After Milosevic remained in power following the entry of KFOR into Kosovo, Americans unofficially supported the operations of Albanian guerrillas in the Presevo Valley, in a tactical scope.

⁴³ Unlike in Albania, comments made in Serbia expressed that the US had become a target of attacks because of its expansive foreign policy. Yugoslav President Vojislav Kostunica was one to voice such an opinion.

⁴⁴ Another manifestation of this tendency was the agreement concluded between Albania and Washington in May 2003, which guaranteed that American soldiers would not be denounced to the International Criminal Court.

⁴⁵ After the report of the Independent International Commission on Kosovo (see below) was published in October 2000, proposing the conditional recognition of Kosovo's independence, Chris Patten, EU Commissioner for External Relations, stated that the EU's position on Kosovo was com-

pliant with Resolution 1244 and that the EU was not taking a step further", thus precluding Kosovo's independence. However, resolution 1244 theoretically precludes no option. Following the parliamentary elections in November 2001, when Rugova called for the recognition of Kosovo's independence, the head of the diplomacy of Belgium, at that time holding the EU presidency, once again declared that the Fifteen was opposed to Kosovo's independence.

⁴⁶ The EU's policy was facilitated by the fact that the idea of maintaining ties with Belgrade was very popular in Montenegro.

⁴⁷ After this meeting, Michael Steiner stated in a press conference that "the standards required of Kosovo were identical to those imposed by the EU on other countries in the region" (www.radio2.net).

⁴⁸ Albanian politicians have expressed either firm objection against any retained ties with Serbia, or admitted that such ties could be preserved, simultaneously demanding that Kosovo's independence first be recognised (<http://www.unmikonline.org/press/lmm00.htm> – a review of the Kosovo press on the official UNMIK website).

⁴⁹ For example, the issue of the incorporation of the Albanian part of Kosovo into Albania would emerge. The most controversial region would be the Gjilan/Gnjilane enclave near the Serbian border. On the Serbian side, it borders the Presevo Valley inhabited predominantly by Albanians.

⁵⁰ According to Reuters (20 May 2003), more and more EU officials admit that the most realistic final solution for Kosovo would be conditional independence.

⁵¹ Within the EU, Kosovo would have identical rights to those of the other members but, formally, it would be the EU's protectorate.

⁵² Deep decentralisation is of key importance. Possible concessions to Serbs should include changes to commune borders along ethnic lines.

